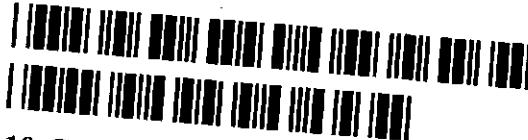
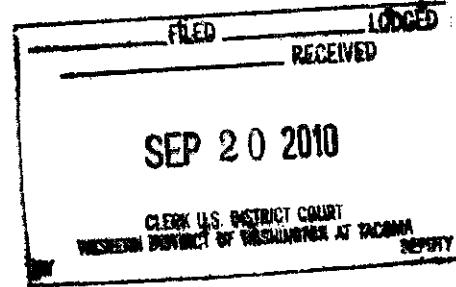


1 MAGISTRATE JUDGE  
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3 4 5 10-CR-05210-ORD  
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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 UNITED STATES OF AMERICA, ) NO. CR 105210  
11 Plaintiff, ) FINDINGS AND ORDER ACCEPTING  
12 vs. ) DEFENDANT FOR DEFERRED  
13 ) PROSECUTION, APPROVING  
14 CAREY RYAN FRANKLIN ROBINS ) TREATMENT PLAN, AND DIRECTING  
15 Defendant/Petitioner. ) DEFENDANT TO TAKE TREATMENT  
AS PRESCRIBED  
16 ) (Clerk's Action Required)

17 THIS MATTER, coming on for hearing this 20 day of Sept, 2009 upon the  
18 defendant's Petition for Deferred Prosecution; the defendant appearing in person and by her/his  
19 attorney, Jay Matto; the United States of America being represented by  
20 \_\_\_\_\_, Assistant United States Attorney; the Court, having  
21 examined and incorporated into the record Petitioner's Petition and Statement in support of  
22 deferred prosecution, the evaluation and treatment report prepared by Ass. Behavioral health  
23 and the files and records herein, being fully advised in the premises, does now make and enter  
24 the following:

25 ///

26 ///

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3                   **I. FINDINGS OF FACT**

4           A.    On or about the 28day of December, 2009, Petitioner was charged with  
5 the offense/offenses charged in the Information. This offense occurred as a direct result of  
6 alcoholism/chemical dependency problems;

7           B.    Petitioner suffers from an alcohol/drug problem and is in need of treatment;

8           C.    The probability of similar misconduct in the future is great if the problem is not  
9 treated;

10          D.    Petitioner is amenable to treatment;

11          E.    An effective rehabilitative treatment plan is available to Petitioner through  
12 ABM / MILITARY, an approved treatment facility as designated by the laws of the State  
13 of Washington, and Petitioner agrees to be liable for all costs of this treatment program;

14          F.    That Petitioner agrees to comply with the terms and conditions of the program  
15 offered by the treatment facility as set forth in the diagnostic evaluation  
16 from Associated Behavioral Health attached to Statement of Petitioner filed herewith,  
17 and that Petitioner agrees to be liable for all costs of this treatment program;

18          G.    That Petitioner has knowingly and voluntarily stipulated to the admissibility and  
19 sufficiency of the facts as contained in the written police report attached to Statement of  
20 Petitioner filed herewith.

21          H.    That Petitioner has acknowledged the admissibility of the stipulated facts in any  
22 criminal hearing or trial on the underlying offense or offenses held subsequent to revocation of  
23 this Order Granting Deferred Prosecution and that these reports will be used to support a finding  
24 of guilt;

25                   From the foregoing FINDINGS OF FACT, the Court draws the following:

26    ///

## II. CONCLUSIONS OF LAW

- A. That the above-entitled Court has jurisdiction over the subject matter and Petitioner Carl Lynn Franklin Lehmus, in this case;
- B. That Petitioner's Petition for Deferred Prosecution meets the requirements of RCW 10.05 et seq.;
- C. That the diagnostic evaluation and commitment to treatment meets the requirements of RCW 10.05.150;
- D. That Petitioner is eligible for deferred prosecution.

### III. ORDER

11 Having made and entered the foregoing FINDINGS OF FACT and CONCLUSIONS OF  
12 LAW, it is hereby

13 ORDERED that the defendant is accepted for deferred prosecution. The prosecution of  
14 the above-entitled matter is hereby deferred for five (5) years pursuant to RCW 10.05 et seq.,  
15 upon the following terms and conditions:

16 A. Petitioner shall be on probation for the deferral period and follow the rules and  
17 regulations of probation;

18        B. Petitioner shall enroll in and successfully complete the two-year treatment  
19 program recommended by Associated Behavioral Health according to the  
20 terms and conditions of that plan as outlined in the diagnostic evaluation, a true copy of which  
21 is attached to the Petition and incorporated herein by reference. Petitioner shall not change  
22 treatment agencies without prior Probation approval;

23 C. The treatment facility, ABH and Military, shall  
24 file with the United States Probation Office status reports of Petitioner's compliance with  
25 treatment, monthly during the first year of the deferred prosecution period and every three (3)

1 months during the second year. The Court may increase the frequency of these reports at its  
2 discretion;

3 D. Petitioner shall notify U.S. Probation within 72 hours of any residence change.

4 E. Petitioner shall abstain during the deferred prosecution period from any and all  
5 consumption of alcoholic beverages and/or non-prescribed mind-altering drugs;

6 F. Petitioner shall not operate a motor vehicle on the public highways without a valid  
7 operator's license and proof of liability insurance sufficient to comply with the state laws on  
8 financial responsibility;

9 G. Petitioner shall be law abiding and shall not commit any alcohol/drug related  
10 offenses or other criminal offenses during the period of deferral,

11 H. Petitioner shall notify U.S. Probation within 72 hours of being arrested,  
12 questioned, or cited by Law Enforcement;

13 I. In the event that Petitioner fails or neglects to carry out and fulfill any term or  
14 condition of ~~her~~/his treatment plan or violates any provision of this Order or any rule or  
15 regulation of ~~her~~/his probation officer, upon receiving notice, the Court shall hold a hearing to  
16 determine why Petitioner should not be removed from deferred prosecution and prosecuted for  
17 the offense/~~offenses~~ charged;

18 J. In the event the Court finds cause to revoke this deferred prosecution, the  
19 stipulated police reports shall be admitted into evidence, and Petitioner shall have ~~her~~ guilt or  
20 innocence determined by the Court;

21 K. That the statement of Petitioner for ~~Deferred~~ Prosecution shall remain sealed, and  
22 ~~her~~ all subsequent reports or documents relating to ~~her~~ treatment information shall be sealed, to  
23 maintain confidentiality of Petitioner's treatment information;

24 L. That the Department of Licensing be notified of this Order accepting the  
25 Petitioner for deferred prosecution;

1 M. Upon proof of Petitioner's successful completion of five years deferral period in  
2 this Order, the Court shall dismiss the charges pending against Petitioner.

3 N. Additional conditions: \_\_\_\_\_

4 \_\_\_\_\_  
5 \_\_\_\_\_.

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8 DONE IN OPEN COURT this 20 day of September, 2009.

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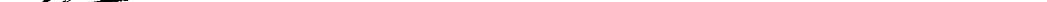
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UNITED STATES MAGISTRATE JUDGE

3 Presented by:

4 | Page

5 | 

6 Attorney for Petitioner

7 I have received a copy of the foregoing Order of Deferred Prosecution. I have read and understand its contents, and agree to abide by the terms and conditions set forth herein.

For more information, contact the Office of the Vice President for Research and the Office of the Vice President for Student Affairs.

1880-1881. The first year of the new century was a year of great change for the country.

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2. *What is the relationship between the two variables?*

I certify that a copy of this signed Order was mailed to the subject treatment facility, on

of this Order.

10. *mus*

6 Clerk 

## **FINDINGS AND ORDER ACCEPTING DEFENDANT**

**FINDINGS AND ORDER ACCEPTING DEFENDANT  
FOR DEFERRED PROSECUTION - 5**